

REMARKS

Claims 4-9 and 11-24 are pending. No new matter has been added by way of the above amendments. For example, claim 21 has been amended to recite the subject matter of originally filed claim 2 and claim 2 has been cancelled. Also, Applicants have provided a new Abstract of the Disclosure. Accordingly, no new matter has been added.

In view of the following remarks Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Objection to the Abstract of the Disclosure

At page 2 of the outstanding Office Action the Examiner has objected to the Abstract of the Disclosure. Applicants have provided a new Abstract of the Disclosure which is not longer than 150 words. Accordingly, this objection is moot. Reconsideration and withdrawal thereof are respectfully requested.

Issues Under 35 U.S.C. §103(a)

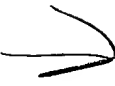
The Examiner has rejected claims 2, 4, 6-8 and 22 under 35 U.S.C. § 103(a) as being obvious over Fujita '866 in view of Sakai '898.

The Examiner has also rejected claims 12-17, 19, 20, 23 and 24 under 35 U.S.C. § 103(a) as being obvious over Fujita '866 in view of Ohshima '471.

The Examiner has rejected claims 9 and 11 under 35 U.S.C. § 103(a) as being obvious over Fujita '866 (or Fujita '866 in view of Sakai '898) in view of Swank '025.

Lastly, the Examiner has rejected claim 5 and 18 under 35 U.S.C. § 103(a) as being obvious over Fujita '866 (or Fujita '866 in view of Sakai '898) in view of Mifune '321.

Applicants respectfully traverse each of the above rejections.

Each of the Examiner's rejections utilizes Fujita '866 as a primary reference. However, Applicants have previously provided declarative evidence indicating that unexpectedly advantageous and superior properties exist with respect to the present invention compared to the prior art. In the outstanding Office Action at  pages 7 and 8, the Examiner asserts that the Declaration is not commensurate in scope with the present claims. For instance, the Examiner asserts that the samples used in the Declaration employ a dispersing aid and a preferred coupler. Applicants direct the Examiner's attention to the fact that independent claim 21 requires the presence of a cyan dye-forming coupler according to Formula (C-2) recited in originally filed claim 2. Also, as will

be explained below, it is not necessary for the claims to require a dispersing aid.

The previously submitted Declaration contained a small typographical error. That is, in Table 2-1'' the recitation of "None" next to sample 205' should instead have recited "D'". Applicants have attached an unsigned copy of the corrected Declaration for the Examiner's consideration. An executed version of this corrected Declaration will follow in the near future.

→ In Table 2-1' and Table 2-1'' of the previous and current Declaration, all the samples using the dye solid fine particle dispersion use a dispersing aid (defined in claim 5) commonly, regardless of the inventive examples and the comparative examples. Accordingly, on the relative comparison, the effect due to the dispersing aid is compensated for. Accordingly, since the comparison is correctly carried out, Applicants submit that there is no requirement to recite the dispersing aid to the independent claims of the present invention.

Regarding a preferred coupler, Applicants note that in Sakai '898, only Cyan Coupler (41) which is within the scope of the formula (C-2) of the present invention is used. Thus, since claim 21 requires the cyan coupler of formula (C-2), a comparison with the closest prior art has been carried out.

Regarding independent claim 23, Applicants point out that Fujita '866 use as a solid fine dispersion a dye represented by

formula [XI], but the dye is not added by directly dissolving in the hydrophilic colloid medium or by previously dissolving in water or solvent and then dissolving in the hydrophilic colloid medium, as defined in claim 23. This deficiency is not cured by any of the other cited art.

Further, Fujita '866 fails to suggest the combination of the dye represented by formula [XI] of the present invention and the dye solid fine particle dispersion represented by formula [I]. Accordingly, no *prima facie* case of obviousness exists.

Also, it is evident from the results of Table 3-2 of Example II-1 of the present specification that excellent effects are obtained by the combination of the dye solid fine particle dispersion represented by formula [I] and the dye represented by formula [XI] and further a film pH as defined in the present claims, in particular claim 23. The data shown in Table 3-2 are data of simple processing suitability and sharpness. Applicants have attached a copy of Table 3-2 hereto for the Examiner's convenience. The data in the attached sheet are data extracted from Sample 302, 306, 307, 309, 319 and 323 from Table 3-2 of Example II-1 of the present specification.

In the results of the attached sheet the film pH is set at 5.8 in order to be able to ignore the effect of the film pH. Superior results are achieved by the present invention as can be seen from a comparison between Sample 306 (using only H which is

the dye solid fine particle dispersion represented by formula [I]), Samples 307 and 309 (using only Compound XI-5 or Compound XI-48, respectively) and Samples 319 and 323 (using the dye solid fine particle dispersion and the compound [XI] in combination). The comparison reveals that Samples 319 and 323 of the present invention achieve superior sharpness regarding Y, M, and C. These are an unexpected and superior results.

Also, when the film pH is not within the scope of the present invention, the exposure temperature dependence is extremely deteriorated as described in Example 3 of the present specification.

In summary, Fujita '866 fails to suggest or disclose the subject matter of the present claims. None of the secondary references utilized by the Examiner are able to cure the deficiencies of Fujita '866. However, even if the Examiner has hypothetically presented a *prima facie* case of obviousness, the unexpected results outlined in the Declaration and the attached sheet, as well as the present specification, rebut any hypothetical *prima facie* case of obviousness.

Applicants respectfully submit that the present claims define subject matter which is patentable over the prior art of record. Accordingly, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicant respectfully petitions for a three (3) month extension of time for filing a response in connection with the present application. The required extension fee of \$920.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 

Marc S. Weiner
Reg. No. 32,181


MSW/CAM/gh

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Version with Markings to Show Changes Made
Copy of Table 3-2

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE ABSTRACT OF THE DISCLOSURE:

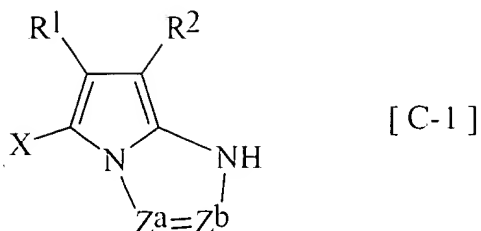
A new Abstract has been added.

IN THE CLAIMS:

Claim 2 has been cancelled.

Claim 21 has been amended as follows:

21. (Amended) A silver halide color photographic light-sensitive material for movie, comprising a support having thereon at least one yellow color-forming light-sensitive silver halide emulsion layer, at least one cyan color-forming light-sensitive silver halide emulsion layer, at least one magenta color-forming light-sensitive silver halide emulsion layer, and at least one light-insensitive non-color forming hydrophilic colloid layer, wherein at least one cyan color-forming silver halide emulsion layer contains at least one cyan dye-forming coupler selected from the compounds represented by the following formula $[[C-1]]$ [C-2], and at least one light-insensitive non-color forming hydrophilic colloid layer is positioned between the support and a light-sensitive silver halide emulsion layer most adjacent to the support: [



wherein

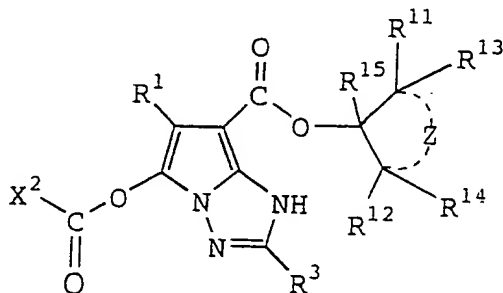
Z^a and Z^b each represents $-C(R^3)=$ or $-N=$, provided that either one of Z^a and Z^b is $-N=$ and another is $-C(R^3)=$,

R^1 and R^2 each represents an electron attractive group having a Hammett's substituent constant ζ_p value of 0.20 or more, provided that the sum of ζ_p values of R^1 and R^2 is 0.65 or more,

R^3 represents hydrogen atom or a substituent,

X represents hydrogen atom or a group capable of splitting off upon coupling reaction with an oxidation product of an aromatic primary amine color developing agent, and

the group represented by R^1 , R^2 , R^3 or X may assume a divalent group and combine with a divalent or greater polymer or a polymer chain to form a homopolymer or a copolymer]



[C-2]

wherein R^{11} , R^{12} , R^{13} , R^{14} and R^{15} , which may be the same or different, each represents hydrogen atom or a substituent, R^3 represents hydrogen atom or a substituent, and X^2 represents hydrogen atom or a substituent,

wherein at least one non-color forming hydrophilic colloid layer positioned between said support and a light-sensitive silver halide emulsion layer most adjacent to the support contains a solid fine particle dispersion of a dye represented by formula [I]:



wherein

D represents a compound residue having a chromophore,

X represents a dissociative hydrogen atom or a group having a dissociative hydrogen atom, and

y represents an integer of from 1 to 7.

TABLE 3-2 (extraction)

Sample	Resin Back Layer	AH Layer	Compound [XI]	Film pH	Cyan Coupler	Suitability for Simple Processing	Sharpness			Remarks
							Y	M	C	
302	none	none	none	5.8	Exc	○	11	19	14	Comparison
306	none	H	none	5.8	Exc	○	20	32	23	Comparison
307	none	none	XI-5	5.8	Exc	○	12	20	15	Comparison
309	none	none	XI-48	5.8	Exc	○	13	19	16	Comparison
319	none	H	XI-5	5.8	Exc	○	27	36	27	Invention
323	none	H	XI-48	5.8	Exc	○	27	36	27	Invention